**JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE**

**Madrid Protocol**

**OMB Control Number 0651-0051**

Background

This collection of information is required by the Trademark Act of 1946, 15 U.S.C. 1051 et seq., which provides for the Federal registration of trademarks, service marks, collective trademarks and service marks, collective membership marks, and certification marks. The Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (Madrid Protocol) is an international treaty that allows a trademark owner to seek registration in any of the participating countries by filing a single international application.

In support of RIN 0651- AD65 (Setting and Adjusting Trademark Fees During Fiscal Year 2025), USPTO is changing ten fees and adding eight fees to this information collection.

**Table 1: Increases in Fee Amount**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Item No.** | **Fee Code(s)** | **Item** | **Current Fee** | **New Fee** | **Changes in Fee Amount**  |
| **1** | **7903** | Transmittal fee for request to record an assignment or restriction to the international registration (electronic) | Not previously included in 0651-0051 | $100 | +$100 |
| **1** | **6903** | Transmittal fee for request to record an assignment or restriction to the international registration (paper) | Not previously included in 0651-0051 | $200 | +$200 |
| **1** | **7932** | Renewal fee filed at WIPO | Not previously included in 0651-0051 | $325 | +$325 |
| **2** | **7931** | Request for Extension of Protection of International Registration to the United States (WIPO) | $500 |  $600  |  +$100  |
| **2** | **7933** | Subsequent designation fee filed with WIPO (§66(a)), per class  | Not previously included in 0651-0051 | $600 | $600 |
| **5** | **6001** | Transformation Request (per international class) (paper) | $750 |  $850  |  +$100  |
| **6** | **7005** | Petition to Director to Review Denial of Certification of International Application (TEAS) | $250 |  $400  |  +$150  |
| **6** | **6005** | Petition to Director to Review Denial of Certification of International Application (paper) | $350 |  $500  |  +$150  |
| **8** | **7905** | Declaration of Continued Use/Excusable Nonuse of Mark in Commerce Under Section 71 (per international class) (TEAS) | $225 |  $325  |  +$100  |
| **8** | **6905** | Declaration of Continued Use/Excusable Nonuse of Mark in Commerce Under Section 71 (per international class) (paper) | $325 |  $425  |  +$100  |
| **8** | **7906** | §71 declaration grace period fee, per class (electronic) | Not previously included in 0651-0051 | $100 | +$100 |
| **8** | **6906** | §71 declaration grace period fee, per class (paper) | Not previously included in 0651-0051 | $200 | +$200 |
| **8** | **7908** | §71 declaration deficiency fee (electronic) | Not previously included in 0651-0051 | $100 | +$100 |
| **8** | **6908** | §71 declaration deficiency fee (paper) | Not previously included in 0651-0051 | $200 | +$200 |
| **9** | **79057208** | Combined Declaration of Continued Use/Excusable Nonuse and Incontestability Under Sections 71 and 15 (per international class) (TEAS) | $425 |  $575  |  +$150  |
| **9** | **69056208** | Combined Declaration of Continued Use/Excusable Nonuse and Incontestability Under Sections 71 and 15 (per international class) (paper) | $625 |  $775  |  +$150  |
| **10** | **7005** | Petition to Director for an International Application/Registration (TEAS) | $250 |  $400  |  +$150  |
| **10** | **6005** | Petition to Director for an International Application/Registration(paper) | $350 |  $500  |  +$150  |

**Table 2: Proposed Burden**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Item No.** | **Fee Code(s)** | **Item** | **Reponses** | **New Fee** | **New Non-hour Cost Burden**  |
| **1** | **7903** | Transmittal fee for request to record an assignment or restriction to the international registration (electronic) | 17 | $100 | $1,700 |
| **1** | **6903** | Transmittal fee for request to record an assignment or restriction to the international registration (paper) | 1 | $200 | $200 |
| **1** | **7932** | Renewal fee filed at WIPO | 5,665 | $325 | $1,841,125 |
| **2** | **7931** | Request for Extension of Protection of International Registration to the United States (WIPO) |  36,800  |  $600  | $22,080,000  |
| **2** | **7933** | Subsequent designation fee filed with WIPO (§66(a)), per class  | 4,790 | $600 | $2,874,000 |
| **5** | **6001** | Transformation Request (per international class) (paper) |  1  |  $850  |  $850  |
| **6** | **7005** | Petition to Director to Review Denial of Certification of International Application (TEAS) |  5  |  $400  |  $2,000  |
| **6** | **6005** | Petition to Director to Review Denial of Certification of International Application (paper) |  1  |  $500  |  $500  |
| **8** | **7905** | Declaration of Continued Use/Excusable Nonuse of Mark in Commerce Under Section 71 (per international class) (TEAS) |  4,951  |  $325  |  $1,609,075  |
| **8** | **6905** | Declaration of Continued Use/Excusable Nonuse of Mark in Commerce Under Section 71 (per international class) (paper) |  1  |  $425  |  $425  |
| **8** | **7906** | §71 declaration grace period fee, per class (electronic) | 1,677 | $100 | $167,700 |
| **8** | **6906** | §71 declaration grace period fee, per class (paper) | 1 | $200 | $200 |
| **8** | **7908** | §71 declaration deficiency fee (electronic) | 430 | $100 | $43,000 |
| **8** | **6908** | §71 declaration deficiency fee (paper) | 1 | $200 | $200 |
| **9** | **79057208** | Combined Declaration of Continued Use/Excusable Nonuse and Incontestability Under Sections 71 and 15 (per international class) (TEAS) |  2,439  |  $575  |  $1,402,425  |
| **9** | **69056208** | Combined Declaration of Continued Use/Excusable Nonuse and Incontestability Under Sections 71 and 15 (per international class) (paper) |  1  |  $775  |  $775  |
| **10** | **7005** | Petition to Director for an International Application/Registration (TEAS) |  2  |  $400  |  $800  |
| **10** | **6005** | Petition to Director for an International Application/Registration(paper) |  1  |  $500  |  $500  |
|  |  | **Totals** | **56,784** | **- - -** | **$30,025,475** |

**Table 3: Changes in Cost**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Item No.** | **Fee Code(s)** | **Item** | **Current Cost** | **New Cost** | **Change in Non-hour Cost Burden** |
| **1** | **7903** | Transmittal fee for request to record an assignment or restriction to the international registration (electronic) | Not previously included in 0651-0051 | $1,700 | +$1,700 |
| **1** | **6903** | Transmittal fee for request to record an assignment or restriction to the international registration (paper) | Not previously included in 0651-0051 | $200 | +$200 |
| **1** | **7932** | Renewal fee filed at WIPO | Not previously included in 0651-0051 | $1,841,125 | +$1,841,125 |
| **2** | **7931** | Request for Extension of Protection of International Registration to the United States (WIPO) | $18,400,000 | $22,080,000  | +$3,680,000  |
| **2** | **7933** | Subsequent designation fee filed with WIPO (§66(a)), per class  | Not previously included in 0651-0051 | $2,874,000 | +$2,874,000 |
| **5** | **6001** | Transformation Request (per international class) (paper) |  $750  |  $850  | +$100  |
| **6** | **7005** | Petition to Director to Review Denial of Certification of International Application (TEAS) |  $1,250  |  $2,000  | +$750  |
| **6** | **6005** | Petition to Director to Review Denial of Certification of International Application (paper) |  $350  |  $500  |  +$150  |
| **8** | **7905** | Declaration of Continued Use/Excusable Nonuse of Mark in Commerce Under Section 71 (per international class) (TEAS) |  $1,113,975  |  $1,609,075  |  +$495,100  |
| **8** | **6905** | Declaration of Continued Use/Excusable Nonuse of Mark in Commerce Under Section 71 (per international class) (paper) |  $325  |  $425  |  +$100  |
| **8** | **7906** | §71 declaration grace period fee, per class (electronic) | Not previously included in 0651-0051 | $167,700 | +$167,700 |
| **8** | **6906** | §71 declaration grace period fee, per class (paper) | Not previously included in 0651-0051 | $200 | +$200 |
| **8** | **7908** | §71 declaration deficiency fee (electronic) | Not previously included in 0651-0051 | $43,000 | +$43,000 |
| **8** | **6908** | §71 declaration deficiency fee (paper) | Not previously included in 0651-0051 | $200 | +$200 |
| **9** | **79057208** | Combined Declaration of Continued Use/Excusable Nonuse and Incontestability Under Sections 71 and 15 (per international class) (TEAS) |  $1,036,575  |  $1,402,425  | +$365,850  |
| **9** | **69056208** | Combined Declaration of Continued Use/Excusable Nonuse and Incontestability Under Sections 71 and 15 (per international class) (paper) |  $625  |  $775  |  +$150  |
| **10** | **7005** | Petition to Director for an International Application/Registration (TEAS) |  $500  |  $800  |  +$300  |
| **10** | **6005** | Petition to Director for an International Application/Registration(paper) |  $350  |  $500  | + $150  |
|  |  | **Totals** | **$20,554,700** | **$30,025,475** | **$9,470,775** |

Summary of Changes

The aforementioned rulemaking results in the revision of multiple fees and the addition of eight fees, with an increase of $9,470,775 in annual non-hourly costs to collection 0651-0051.

Changes in Burden

|  |  |  |  |
| --- | --- | --- | --- |
| **Burden Type** | **Currently Approved** | **Proposed Change** | **New Estimate** |
| Non-hourly Cost Burden | $ 21,516,380 | +$9,470,775 | $30,987,155 |

0651-0051’s revised burden is as follows:

* 54,082 in annual responses (unchanged)
* 48,671 in annual hourly burden (unchanged)
* $30,987,155 in annual non-hourly costs